

**Chapter 13.32****HARBORS--GENERALLY**

(1430-9/68, 2374-7/79, 3078-11/90)

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**13.32.010 Scope.** The provisions of this chapter shall, unless otherwise expressly provided, apply to all harbors and other publicly-owned or operated land or inland waterways in the city.  
(1430-9/68)

**13.32.020 Definitions.** For the purpose of this chapter, the following terms shall have the respective meanings set forth herein unless the context in which they are used clearly indicates a different meaning is intended. Words not defined herein which have the meaning ascribed to them by the Harbors and Navigation Code of the state of California, have the meaning ascribed to them in ordinary usage:

- (a) "Anchorage area" means any portion of a harbor which has been designated as an anchorage area pursuant to law and approved by the federal government.
- (b) "Bulkhead line" means the line or point where the outer portion of the bulkhead meets the water.
- (c) "Commercial activity" shall mean any service, trade, business or occupation carried on for which any monetary or other valuable consideration is received, or for the purpose of profit, and shall include but not be limited to water taxi service and sight-seeing vessels.
- (d) "Director" means the Director of the Community Services Department.
- (e) "Mooring" means any appliance used to secure a vessel other than to pier or dock, which is not carried aboard such vessel as regular equipment.
- (f) "Pierhead line" means the line between the bulkhead and the waterway which line separates the area open for navigation from the area extending outward from the bulkhead in which the mooring and docking of vessels is permitted. The exact distance from the bulkhead to the pierhead line shall be determined by the City Council.
- (g) "Protected swimming area" means an area for swimming set aside by the City Council and designated by or outlined by lines, floats or buoys.
- (h) "Turning basin" means that portion of any channel which has been so designated pursuant to law and approved by the Federal Government for the purpose of permitting vessels to turn around or permitting their course of direction to be altered.

- (i) "Waters of a harbor" means all water in which the tide ebbs and flows whether or not the ordinary or mean high tide line of the Pacific Ocean has been fixed by ordinance, statute, court or otherwise and whether or not the land lying under said tidal waters is privately or public owned. (1430-9/68, 2374-7/79)

**13.32.030 Administrative authority.** The responsibility for enforcement of these chapters is delegated to the Director of Community Services, and such of his agents as he may designate to perform said duty, as well as by peace officers having jurisdiction in any area in which violation of any provision of this title takes place. (2374-7/79)

**13.32.040 Permit for commercial activities required.** No person shall engage in or carry on any commercial activity on the waters of harbors within the city without first having applied for and obtained a permit for such activity from the Director. EXCEPTIONS: the requirement to obtain a commercial activity permit is not applicable to persons operating commercial fishing vessels or private vessels chartered primarily for use outside harbors within the city. Said activity shall be prohibited and considered a violation of this chapter and zoning regulations. (2374-7/79)

**13.32.050 Application for permit.** An application for a permit under this chapter shall be filed with the Director upon forms provided by the city, and shall contain the following information and such other information as the Director may require:

- (a) The name, business address and business telephone number of applicant.
- (b) If the applicant proposes to conduct business under a fictitious name, the application shall state the name, address and telephone number of each person owning a financial interest in the business.
- (c) The name, address and telephone number of the person or persons who will have general management responsibility for the applicant's business.
- (d) A drawing of the boat, watercraft and/or other facility which the applicant proposes to use, together with such specifications and other technical data as may be needed for proper evaluation of the application.
- (e) A full description of the proposed method of operation of such vessel, watercraft and/or other facility, including but not limited to:
  - (1) House of operation;
  - (2) Maximum number of patrons or passengers;
  - (3) Route or routes of travel;
  - (4) Embarkation and debarkation points;
  - (5) Types of activities to be permitted on board; and
  - (6) Types of merchandise to be sold.
- (f) A description of the manner in which the applicant intends to dispose of sewage, trash and litter resulting from the operation.
- (g) A description and location of parking facilities available for the proposed operation. (2374-7/79)
- (h) A full description of a plan for monitoring discharge of waste from boats moored, tied or anchored in any facility owned, leased or controlled by the permittee, his employees or agents. The description shall include a method of minimizing waste discharge and the way in which it will be employed and shall provide a detailed description of a means of enforcement. Said plan must provide that no person may use a boat slip, mooring, dock, or any place of any other description where a boat can be secured, which is owned, leased or controlled by



the permittee, unless such boats are connected to the sanitary sewer system or equipped with an approved holding tank designed to retain all waste on board. Vessels with holding tanks must, at all times, be treated with dye tablets placed into the vessels' marine sanitation devices. Such dye tablets shall be a type commonly used to test the integrity of sanitary sewer systems and as approved by the Director as complying with the intent of this section. (3078-11/90)

- (i) Lessors subject to this section must include in any lease or rental agreement a provision stating that any violation of this section will be grounds for termination of the boat slip lease or rental agreement. Said lessor shall agree that a condition of the permit to operate hereunder shall be that no tenant under his control will violate any provision of this section. (3078-11/90)

**13.32.060 Filing fee.** An application as required by this chapter shall be accompanied by a fee in an amount, established by resolution of the City Council, to compensate the city for the administrative costs of processing such application. (2374-7/79)

**13.32.070 Grounds for issuance or denial of a permit.** The Director shall determine whether to issue or deny a permit after considering the following factors:

- (a) Whether the proposed commercial activity is compatible with the predominant characteristics of the harbor and its surrounding area.
- (b) Whether the proposed commercial activity will comply with the requirements pertaining to noise control contained in Chapter 8.40 of this code.
- (c) Whether the proposed activity will have an adverse effect on the efforts to keep harbors free of pollution and litter.
- (d) Whether the vessel or watercraft proposed to be used by the applicant satisfies the applicable standards of the U. S. Coast Guard.
- (e) Whether the proposed method of operation will create unreasonable traffic problems in the harbors which would interfere with the rights of others to use such harbors within the city. (2374-7/79)

**13.32.080 Permit--Denial--Appeal.** If the Director refuses to grant the permit, the applicant may, within ten days after receipt of notice of refusal to grant the permit, file an appeal in writing with the City Clerk. The City Clerk shall set the appeal for hearing before the City Council, and shall give the applicant ten days written notice prior to the date the appeals is to be heard. (2374-7/79)

**13.32.090 Duration of permit.** Any permit issued pursuant to the provisions of this chapter shall continue to be valid unless such permit is suspended or revoked. (2374-7/79)

**13.32.100 Revocation or suspension.** Any permit granted pursuant to the provisions of this chapter may be revoked or suspended by the Director, either in whole or in part, after five (5) days prior written notice to the permittee, directing him to appear at a certain time and place to show cause why the permit should not be revoked or suspended on any of the following grounds:

- (a) That the permittee has made a misrepresentation as to any material fact set forth in the application.
- (b) That the permittee has not filed adequate evidence of liability insurance coverage with the city, or has allowed its insurance coverage to lapse or be canceled.
- (c) For the violation of any rule, regulation or condition set forth in or authorized by this chapter.



- (d) For the violation of any law or regulation of the state, city, county of Orange, or the Orange County Harbor District, relating to the operation of the business by the permittee or any of his employees. (2374-7/79)

**13.32.110 Public liability insurance requirement.** No permittee shall engage in or carry on any commercial activity unless there is on file with the city, and in full force and effect at all times while such commercial activity is being conducted, a certificate of insurance approved by the City Attorney's office. Minimum liability insurance coverage shall be established by resolution of the City Council. Such public liability insurance policy shall indemnify, defend and hold harmless the city, City Council, elective and appointive officers, employees, boards and commissions of the city while acting within the scope of their official duties against all claims arising out of or in connection with the activity for which the permit was obtained. Failure of any permittee to maintain the insurance required by this section shall constitute grounds for revocation or suspension of this permit. (2374-7/79)